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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,848	02/09/2004	Gregory D. Aviza	00216-621001 / Case 8107	9515
26161	7590	10/13/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/774,848	Applicant(s) AVIZA ET AL.	
	Examiner Carolyn T. Blake	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
     4a) Of the above claim(s) 1-15 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21, 23-28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendments and remarks filed on July 31, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. The drawings are objected to because the drawings are generally difficult to view. Formal drawings of all figures are required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 16-21 and 23-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation requiring "leaving said razor blades over said extents between said first and second longitudinal ends devoid of connections so that adjacent said razor blades remain unconnected to one another" constitutes new matter because it was not disclosed in the application as originally filed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 16-21 and 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation requiring "leaving said razor blades over said extents between said first and second longitudinal ends devoid of connections so that adjacent said razor blades remain unconnected to one another" is not understood. Applicant's blades have multiple welds between the ends and are connected to one another.

***Claim Rejections - 35 USC § 102***

8. To the extent understood and disclosed by Applicant, claims 16-21 23, 24, 26-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Gooding (4,200,976).

Gooding discloses a method of making a shaving razor as claimed, including: providing a plurality of elongated metal razor blades (12, 13, 14) having cutting edges (12a, 13a, 14a) and first and second longitudinal cutting ends; positioning said cutting edges parallel to each other and spaced from adjacent cutting edges so as to define a shaving surface; connecting first longitudinal ends to each other by welding first weld connections (near 11c) during said positioning; and connecting said second longitudinal ends to each other by welding second weld connections (near 11c) during said positioning to result in an integrated blade unit. Gooding discloses welding in col. 2, lines 20-21.

Regarding claims 17 and 18, Gooding discloses using a fixture (11) to align said blades (12, 13, 14) in parallel planes and to position said cutting edges (12a, 13a, 14a) at desired positions, wherein said fixture (11) has slots (such as those formed by tongues 11c1) to align said blades and stop surfaces to position said cutting edges.

Regarding claim 19, Gooding discloses providing a housing (10) having a recess therein, and positioning said integral unit in said recess.

***Claim Rejections - 35 USC § 103***

9. Claims 20 and 23 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gooding.

It should be noted that Applicant has not recited the location of the top or bottom in relation to the other razor components. Accordingly, Gooding anticipates the claimed invention because an operator could hold the razor in a variety of positions during assembly, and thus the terms "top" and "bottom" are relative. For example, an operator could hold the housing in the position shown in FIG 2, or flip the housing 180 degrees in order to get a better grasp when inserting the integrated blade unit.

To the extent it can be argued that a variety of assembly positions are not taught by Gooding, it would have been obvious to one of ordinary skill in the art at the time the invention was made to hold the components at different angles in order to gain a desired grasp when applying force and inserting the blade unit into place.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooding as applied to claims 16, 19, and 20 above, and further in view of Shurland et al (4,932,122).

Gooding discloses the invention substantially as claimed, but fails to disclose a pair of metal clips. Shurland et al disclose a method of making a shaving razor wherein two clips 40 are employed to secure the blades to the housing. Such clips would eliminate the need for the snap-fit connection taught by Gooding. Snap-fit connections generally require tight tolerances. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pair of clips, as taught by Shurland et al, with the Gooding invention in order to secure the blades to the housing and eliminate the snap-fit connection.

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To the degree Shurland et al do not disclose metal for the clips, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the Shurland et al clips from metal because metal can act as a spring, is relatively inexpensive, and is easy to manufacture.

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooding in view of Shurland et al.

Gooding discloses the invention substantially as claimed, but fails to disclose a pair of metal clips. Shurland et al disclose a method of making a shaving razor wherein two clips 40 are employed to secure the blades to the housing. Such clips would eliminate the need for the snap-fit connection taught by Gooding. Snap-fit connections generally require tight tolerances. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pair of clips, as taught by Shurland et al, with the Gooding invention in order to secure the blades to the housing and eliminate the snap-fit connection.

To the degree Shurland et al do not disclose metal for the clips, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the Shurland et al clips from metal because metal can act as a spring, is relatively inexpensive, and is easy to manufacture.

***Allowable Subject Matter***

12. Claim 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

14. Applicant's arguments have been fully considered but they are not persuasive.

In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, it is old and well known in the art to use clips to secure razor blades, as taught by Shurland et al. Such a connection would eliminate the snap-connection of Gooding that would require precise dimensions in order for the blade unit to be securely received in the housing and for the blades to accurately shave a surface.

While the examiner agrees differences exist between Applicant's device and the prior art of record, these differences have not been set forth in at least the independent claims.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CB

October 2, 2006



**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**